

REMARKS/ARGUMENTS

Applicants affirm the election to prosecute claims 1-8. Claim 9 is withdrawn.

Claims 1, 3 and 7 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 5 and 6 of copending Application No. 10/085,725. Please find attached a terminal disclaimer to overcome the obviousness-type double patenting rejection.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter.

Claim 4 was canceled.

Claim 6 was rejected under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 6 was canceled.

Claims 1, 3, 5 and 7 were rejected under 35 U.S.C. 102(a) or 102(e) as being anticipated by Matsuno; claims 2, 4 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuno.

Claim 1 was amended to include the limitation of hydrogen water with 0.3ppm to 0.499ppm of hydrogen. This is not included in the Matsuno reference which specifically negates this range (paragraph [0042]) and claim 7. As such claim 1 is allowable over the Matsuno patent. Furthermore claims 3 and 5 depend on claim 1 and are also allowable over the cited art.

Claims 2 and 8 depend on amended claim 1 and contain the limitations of claim 1. Claim 1 contains the limitation of hydrogen water with 0.3 ppm to 0.499 ppm. This

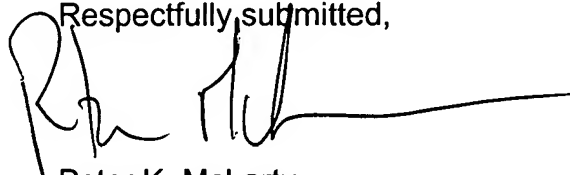
limitation is specifically negated in the Matsuno reference. In other words the Matsuno teaches away from this concentration range of hydrogen. Claims 2 and 8 are therefore allowable over the Matsuno patent under 35 U.S.C. 103(a).

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicants petition for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter K. McLarty', with a long horizontal line extending to the right.

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